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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

8 UNITED STATES OF AMERICA

9 Plaintiff,

Case No. MJ11-352

10 v.

DETENTION ORDER

11 KAGAN TATE,

12 Defendant.

13 Offense charged:

14 Manufacturing Marijuana.

15 Date of Detention Hearing: August 1, 2011.

16 The Court, having conducted a detention hearing pursuant to Title 18 U.S.C. § 3142(f),
17 and based upon the factual findings and statement of reasons for detention hereafter set forth,
18 finds that no condition or combination of conditions which the defendant can meet will
19 reasonably assure the appearance of the defendant as required and the safety of any other person
20 and the community.

21 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

22 Defendant is charged with a drug trafficking crime that carries a five year mandatory
23 minimum term of prison. As such, a rebuttable presumption of detention applies. The Court

1 finds defendant has failed to overcome the presumption of detention. Defendant has several
2 prior criminal convictions including a felony conviction for marijuana drug possession or
3 trafficking. The government proffered evidence that while defendant was on federal supervision
4 in this district, he was able to evade compliance with conditions of supervision. He claimed he
5 was living in Lynwood when he was really living in Bow with his co-defendant since December
6 of 2009. The Bow residence was searched in this case and a marijuana grow operation was
7 uncovered and a large amount of cash seized. The government also proffered evidence that
8 while defendant was on supervision, he was selling marijuana, and using drug proceeds to
9 purchase cars. The defendant's continued criminal activity and ability to evade supervision
10 conditions make him a danger to the community.

11 It is therefore **ORDERED**:

12 (1) Defendant shall be detained pending trial and committed to the custody of the
13 Attorney General for confinement in a correctional facility separate, to the extent practicable,
14 from persons awaiting or serving sentences, or being held in custody pending appeal;

15 (2) Defendant shall be afforded reasonable opportunity for private consultation with
16 counsel;

17 (3) On order of a court of the United States or on request of an attorney for the
18 Government, the person in charge of the correctional facility in which Defendant is confined
19 shall deliver the defendant to a United States Marshal for the purpose of an appearance in
20 connection with a court proceeding; and

21 (4) The clerk shall direct copies of this order to counsel for the United States, to
22 counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services
23 Officer.

1 DATED this 1st day of August, 2011.

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4 BRIAN A. TSUCHIDA
5 United States Magistrate Judge
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